# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/532,412 | 03/22/2000 | Jonathan J. Hull | 74451.P115 | 8317 |

| | |
|---|---|
| 7590      11/03/2003 | **EXAMINER** |
| Blakely Sokoloff Taylor & Zafman LLP | KE, PENG |
| 12400 Wilshire Boulevard | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2174 | |

7th Floor
Los Angeles, CA 90025

DATE MAILED: 11/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _08 September 2003_ .

2a)☒ This action is **FINAL.**          2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-40_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

## DETAILED ACTION

1.      This action is responsive to communications: Amendment, filed on 9/8/03.

This action is final.

2.      Claims 1-40 are pending in this application. Claims 1, 9, 17, 25, 29, 33, and 37 are

independent claims.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.      Claims 1-26, 28-30, 32-34, 36-40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Stucka et al.(US 5,596,702) in view of Brittain et al. (US 6,195,098).

As per independent claim 1, Stucka et al. teaches a method comprising:

Extracting a first data from a display buffer, the first data generated by a first application

and being associated with a user interface from the first application; (col 23 lines 62-67, col 24

lines 37-60)

Recognizing a layout from the first data; and

Using the layout to create an overlay to display a second data generated by a second

application (col 26, lines 66-67, col 27, lines 1-5), wherein there is no direct link between the

first application and the second application (col 4, lines 64-67, col 5, lines 1-2).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches a display buffer that is a part of a video card (col 4, lines 55- 68, col 5, lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim 2, which is dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein recognizing the layout comprises performing a pattern recognition operation on the first data to create the layout (col 23 lines 62-67, col 24 lines 37-60).

As per claim 3, which is dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein using the layout to create the overlay comprises:

Determining an overlay location on the layout to place the second data

Based on known information about the layout;

Generating the overlay of the layout;

Placing the second data in the overlay; and

Merging the overlay with the layout. (col 26, lines 66-67, col 27, lines 1-5).

As per claim 4, which is dependent on claim 3, Stucka et al. teaches the method of claim 3, wherein the overlay location has a context consistent with the second data (col 26, lines 66-67, col 27, lines 1-5).

As per claim 5, which is dependent on claim 4, Stucka et al. teaches the method of claim 4, wherein the context is provided by the first application, and wherein a user interacts with the second application using the context (col 26, lines 66-67, col 27, lines 1-5).

As per claim 6, which is dependent on claim1, Stucka et al. teaches the method of claim 1, further comprising:

Writing the overlay in the display buffer such that the second data is displayed at the overlay location without changing sections of the first data outside of the overlay location (col 23 lines 62-67, col 24 lines 37-60);

Displaying information in the display buffer; and

Interacting with the second application through the second data at the overlay location (col 26, lines 66-67, col 27, lines 1-5).

As per claim 7, which dependent on claim 1, Stucka et al. teaches the method of claim 6, further comprising running the first application in the background while interacting with the second application (col 26, lines 66-67, col 27, lines 1-5).

As per claim 8, which dependent on claim 1, Stucka et al. teaches the method of claim 1, wherein the first application runs independently from the second application (col 4, lines 64-67, col 5, lines 1-2).

As per independent claim 9, Stucka et al. teaches a machine-readable medium providing instructions, which when executed by a set of one or more processors, cause a said set of processors to perform the following:

Extracting a first data from a display buffer, the first data generated by a first application and being associated with a user interface from the first application; (col 23 lines 62-67, col 24 lines 37-60)

Recognizing a layout from the first data; and

Using the layout to create an overlay to display a second data generated by a second application (col 26, lines 66-67, col 27, lines 1-5), wherein there is no direct link between the first application and the second application (col 4, lines 64-67, col 5, lines 1-2).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5, lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim10, which is dependent on claim 9, it is of the same scope as claim 2. (See rejection above)

As per claim11, which is dependent on claim 9, it is of the same scope as claim 3. (See rejection above)

As per claim 12, which is dependent on claim 9, it is of the same scope as claim 4. (See rejection above)

As per claim 13, which is dependent on claim 9, it is of the same scope as claim 5. (See rejection above)

As per claim 14, which is dependent on claim 9, it is of the same scope as claim 6. (See rejection above)

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 7. (See rejection above)

As per claim 16, which is dependent on claim 9, it is of the same scope as claim 8. (See rejection above)

As per independent claim 17, Stucka et al. teaches a computer system, comprising:

A bus;

A data storage device coupled to the bus; and

A processor coupled to the data storage device, the processor operable to receive

instructions which, when executed by the processor, cause the processor to perform a method

comprising (col 30, lines 32-50):

Extracting a first data from a display buffer, the first data generated by a first application

and being associated with a user interface from the first application;

Recognizing a layout from the first data (col 26, lines 66-67, col 27, lines 1-5); and

Using the layout to create an overlay to display a second data (col 26, lines 66-67, col 27,

lines 1-5)

Generated by a second application, wherein there is no direct link between the first

application and the second application (col 4 lines 64-67, col 5 lines 1-2).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5,

lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et

al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 2. (See

rejection above)

As per claim 19, which is dependent on claim 17, it is of the same scope as claim 3. (See

rejection above)

As per claim 20, which is dependent on claim 17, it is of the same scope as claim 4. (See

rejection above)

As per claim 21, which is dependent on claim 17, it is of the same scope as claim 5. (See rejection above)

As per claim 22, which is dependent on claim 17, it is of the same scope as claim 6. (See rejection above)

As per claim 23, which is dependent on claim 22, it is of the same scope as claim 7. (See rejection above)

As per claim 24, which is dependent on claim 17, it is of the same scope as claim 8. (See rejection above)

As per independent claim 25, Stucka et al. a method, comprising:

Modifying data in a display buffer that is generated by a first application with data generated by a second application, the first application running independently from the second application (col 23 lines 62-67, col 24 lines 37-60); and

Receiving input in response to user interactions with the second application through a user interface associated with the data generated by the first application, wherein the data generated by the second application is placed in a location in the user interface, wherein the location is contextually consistent with the data generated by the second application (col 26, lines 66-67, col 27, lines 1-5).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5, lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim 26, which is dependent on claim 25, Stucka et al. teaches the method of

claim 25, wherein modifying data in the display buffer comprises:

Performing a pattern recognition operation on the data generated by the first application

to create a layout (col 23 lines 62-67, col 24 lines 37-60); and

Forming an overlay with the layout and with predetermined information about a display

corresponding to the user interface, the overlay used to determine placement of the data

generated by the second application in the display (col 26, lines 66-67, col 27, lines 1-5).

As per claim 28, which is dependent on claim 26, it is of the same scope of claim 7. (See

rejection above)

As per independent claim 29, Stucka et al. teaches a machine-readable medium providing

instructions, which when executed by a set of one or more processors, cause said set of

processors to perform the following:

Modifying data in a display buffer that is generated by a first application with data

generated by a second application, the first application running independently from the second

application (col 4 lines 64-67, col 5 lines 1-2); and

Receiving input in response to user interactions with the second application through a

user interface associated with the data generated by the first application (col 23 lines 62-67, col

24 lines 37-60), wherein the data generated by the second application is placed in a location in

the user interface, wherein the location is contextually consistent with the data generated by the

second application (col 26, lines 66-67, col 27, lines 1-5).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5,

lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et

al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim 30, which is dependent on claim 29, it is of the same scope of claim 26. (See

rejection above)

As per claim 32, which is dependent on claim 29, it is of the same scope of claim 7. (See

rejection above)

As per independent claim 33, Stucka et al. teaches a computer system, comprising:

A bus;

A data storage device coupled to the bus (col 30, lines 32-50); and

A processor coupled to the data storage device, the processor operable to receive

instructions which, when executed by the processor, cause the processor to perform a method

comprising: modifying data in a display buffer that is generated by a first application with data

generated by a second application, the first application running independently from the second

application (col 26, lines 66-67, col 27, lines 1-5); and

Receiving input in response to user interactions with the second application through a

user interface associated with the data generated by the first application, wherein the data

generated by the second application is placed in a location in the user interface, wherein the

location is contextually consistent with the data generated by the second application (col 26,

lines 66-67, col 27, lines 1-5).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5, lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per independent claim 34, Stucka et al. teaches the computer system of claim 33, wherein modifying data in the display buffer comprises:

Performing a pattern recognition operation on the data generated by the first application to create a layout (col 23 lines 62-67, col 24 lines 37-60); and

Forming an overlay with the layout and with predetermined information about a display corresponding to the user interface, the overlay used to determine placement of the data generated by the second application in the display (col 26, lines 66-67, col 27, lines 1-5).

As per claim 36, which is dependent on claim 34, it is of the same scope of claim 7. (See rejection above)

As per independent claim 37, Stucka et al. teaches a method comprising:

Reading raster data from a raster display buffer containing an image generated by a first application;

Performing a pattern recognition on the image to generate a pattern (col 23 lines 62-67, col 24 lines 37-60);

Applying predetermined information about the image with the pattern to determine a layout of the image;

Generating an overlay using the layout of the image; and

Placing data generated by a second application on the overlay (col 26, lines 66-67, col 27, lines 1-5).

However Stucka et al. fails to teach that the display buffer is a part of a video card.

Brittain et al. teaches display buffer is a part of a video card (col 4, lines 55- 68, col 5, lines 1-2).

It would have been obvious to an artisan at the time of the invention to include Brittain et al.'s teaching with Stucka et al. method in order to speed up graphic display of a workstation.

As per claim 38, which is dependent on claim 37, Stucka et al. teaches the method of claim 37, further comprising writing the overlay into the raster display buffer (col 26, lines 66-67, col 27, lines 1-5).

As per claim 39, which is dependent on claim 37, Stucka et al. teaches the method of claim 37, wherein the image comprises a user interface from the first application, and wherein a user interacts with the second application through the user interface while the first application runs in the background (col 4, lines 64-67, col 5, lines 1-2).

As per claim 40, which is dependent on claim 39, Stucka et al. teaches the method of claim 39, wherein while the user interacts with the second application, the first application has no control of input received from the user (col 4, lines 64-67, col 5, lines 1-2).

4.      Claims 27, 31, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stucka et al. (US. 5,596,702) in view of Brittain et al. (US 6,195,098) further in view of Kahl et al. (U.S 5,936,625).

As per claim 27, which is dependent on claim 26, Stucka et al. and Brittain et al. teach claim 26, however they fail to teach layout comprises of grid cells corresponding to display areas

in the user interface, and wherein the data generated by the second application is placed in the

grid cell. Kahl et al. teaches a graphical user interface layout comprises of grid cell

corresponding to display areas in the user interface (See fig. 3). It would be have been obvious

to an artisan at the time of the invention to include Kahl's teaching with the method of Stucka et

al. and Brittain et al. in order to transfer the graphical user interface of one calendar to that of

another calendar.

As per claim 31, which is dependent on claim 30, it is of the same scope as claim 27. (See

rejection above).

As per claim 35, which is dependent on claim 34, it is of the same scope as claim 27. (See

rejection above).

### *Response to Argument*

Applicant's arguments filed on 9/8/03 have been fully considered but they are no

persuasive.

A. Stucka fails to discloses the limitation of extracting data from a display of a video card.

B. There isn't a motivation to combine Stucka with Brittain.

C. Stucka nor Brittain teach recognizing a layout from the data extracted from a display buffer of

a video card.

D. Stucka nor Brittain fails to teach using the recognized layout from a first application to create

an overlay to display data for a second application.

Examiner disagrees

A. Stucka extracts a first data from a display buffer (Fig 2, col 8, lines 8-26). Furthermore,

Stucka recognizes a lay out from the first data (col 23, lines 62-67, col 24, lines 37-60). The

examiner infers to the fact that command parameter data required to initialize user interface

components such as background and foreground color are part of the lay out pattern from the

first data.  Although Stucka doesn't teach extracting the data from a video card, by ~~combing~~ combining KK

Stucka with Brittain would allow Stucka to meet this limitation.

B.  Stucka teaches extracts a first data from a display buffer (Fig 2, col 8, lines 8-26).  At the

time when Stucka's reference was filed it was common for the video card to have its display

buffer on the RAM of the computer.  However, now it is more common for the video card to

have its own memory to store the video buffer.  Therefore, it would be inherent for the system to

extract the data from the display buffer of the video card.  Brittain provided the rationale and the

idea of moving the display buffer from the RAM to a video card.

C. Stucka recognizes a lay out from the first data (col 23, lines 62-67, col 24, lines 37-60).  The

examiner infers to background and foreground color to be lay out data.

D. Stucka uses the layout to create an overlay to display a second data generated by a second

application (col 26, lines 66-67, col 27, lines 1-5), wherein there is no direct link between the

first application and the second application (col 4, lines 64,67, col 5, lines 1-2).  Stucka creates

an overlay based on the data generated by another application (Fig 7a, 7b).  This process of

storing and retrieving interfaces is also explicitly stated in column 17, between lines 1-20.

        **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action.  In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The

examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the

organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

Peng Ke

KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100